

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
Eastern Division

FILED BY 8 D.C.
05 MAY 25 AM 8:09

ROBERT R. DI TROLIO
CLERK OF U.S. DIST. CT.
W.D. OF TN.-JACKSON

LINDA WHITE

Plaintiff,

vs.

UNUM PROVIDENT

Defendant.

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Case No. 1-04-1291-T/AN

CASE MANAGEMENT ORDER

In accordance with the Rule 26(f) Report of Parties' Planning Meeting, and the initial case management conference, the following deadlines are established in this case:

1. This Court has subject matter jurisdiction of this civil action pursuant to the civil enforcement provision of ERISA, 29 U.S.C. § 1132(e)(1).
2. Plaintiff Linda White brings an ERISA action claiming wrongful denial of benefits under a long term disability plan administered by Defendant, along with attorney's fees and costs. Defendant has denied Plaintiff is owed any such benefits.

This document entered on the docket sheet in compliance
with Rule 58 and/or 79 (a) FRCP on 5/26/05

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3. The parties agree that, with certain limited exceptions, civil actions for plan benefits under ERISA are generally resolved upon the parties' motions for judgment based upon the existing administrative record. Therefore, the parties do not anticipate exchanging Rule 26 Initial Disclosures, taking depositions or written discovery, or having a trial on the merits.
4. Instead, the parties agree that Defendant shall file and serve the administrative record to the Court and Plaintiff's counsel no later than June 15, 2005.
5. In the event Plaintiff believes that discovery is necessary and legally available, and the Court overrules any opposition by Defendant, such discovery shall be completed by September 15, 2005.
6. Instead of a trial, the parties shall each file their motions for judgement by October 15, 2005. The parties' response briefs shall be filed by October 31, 2005.
7. The parties anticipate that the Court shall decide the case upon the parties' motions for judgment.

It is so ordered is this the 24th day of May, 2005.

S. Thomas Anderson

Magistrate Judge Anderson

Date of Entry

AGREED:

GILBERT & RUSSELL, PLC

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This notice confirms a copy of the document docketed as number 11 in case 1:04-CV-01291 was distributed by fax, mail, or direct printing on May 26, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT